

REMARKS

In the Office Action, the Examiner rejected to Claims 1 through 7 under 35 U.S.C. § 103(a) as being unpatentable over Widegren et al., U.S. Patent Number 6,374,112, in view of Laakso, U.S. Patent Application Publication Number 2003/0003921 A1, and Cherpantier et al., U.S. Patent Number 5,805,993. Moreover, the Examiner has rejected to Claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Widegren et al., in view of Rikken et al., U.S. Patent Number 6,031,827, and Cherpantier et al., U.S. Patent Number 5,805,993.

Applicant respectfully traverses the Examiner's obviousness rejection. Applicant has amended his claims to further emphasize this point. Applicant believes the combination of the teachings of Widegren et al. and Laakso fails to teach Applicant's invention as presently claimed.

Applicant advances that the independent Claim 1 requires, amongst other things, "heterogeneous services with different rates", "determining the current relative proportions of traffic of each rate" and "applying a threshold to the loading level the threshold being dependent upon the determined relative proportions." Applicant other independent claim, namely Claim 8, has been amended to state expressly state that there is "traffic of various rates." Amended Claim 8 requires, amongst other things, that "each base transceiver station is arranged to determine intermittently the relative proportions of traffic of each rate", "there being traffic of various rates, and each base transceiver station is arranged to apply a variable threshold to the loading level in the cell, the variable threshold being dependent upon the determined relative proportions." As an example of the invention according to claims 1 and 8, a different threshold is applied when the traffic is determined as being in relative proportions 10% high-data-rate to 90% voice than when the traffic is determined as being in relative proportions 20% high-data-rate to 80% voice.

In rejecting independent Claims 1 and 8, the Examiner asserts that "Cherpentier et al, teaches applying a threshold to the loading level in said cell, the threshold being

dependent upon the determined relative proportions (col. 4 lines 22-26).” However this cited passage reads:

means (which can also be represented by the means 3 of FIG.1) for determining the load of said lower level cell, and p1 means (which can also be represented by the means 4 of FIG.1) for varying said threshold in accordance with said load.

The load is taught in this cited passage as being a single parameter, noting the words “the load of said lower level cell” and “said load” in the cited passage. What is not taught in Cherpentier et al. reference, nor in any of the other cited documents is a load threshold being selected dependent upon the relative proportions of the traffic of different rates making up the load.

Furthermore, the Examiner’s rejections are based on combinations of Cherpentier et al. with another document, Laakso, plus other art. The skilled artisan would not seek to combine teachings from Laakso and Cherpentier. Laakso (see abstract) is concerned with adjusting transmission power when a power “load” is exceeded. Cherpentier (see abstract and column 4 lines 22 to 26) is concerned with handover/handoff to another cell when a mobile terminal’s speed level exceeds a certain speed limit, the speed limit being adjusted dependent on the load on said another cell. These Laakso and Cherpentier documents thus relate to such different technical problems and solutions that the skilled person would not seek to combine their teachings.

In view of the above comments, Applicant consequently advances that none of the cited art teach adjustment of a load threshold dependent on the relative proportions of different types of traffic having different data rates, as in the present invention.

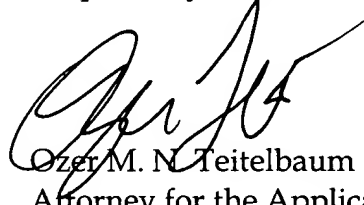
Applicant further submit that one of ordinary skill in the art would also not seek to combine teachings of the Laakso and Cherpantier references. Applicant submits that the Laakso reference is concerned with adjusting transmission power when a power “load” is exceeded. Applicant submits that Cherpantier reference is concerned with handover/handoff to another cell when a mobile terminal’s speed level exceeds a certain speed limit, the speed limit being adjusted dependent on the load of the current cell.

Consequently, the Laakso and Cherpantier references relate to very different technical problems and solutions.

Applicant further note that all of the dependent claims are patentable not least on the basis that they depend on an allowable independent claim.

Applicant believes that a full and complete response has been made to Examiner Ferguson's Office Action. Thus, in view of the hereinabove remarks, Applicant respectfully requests allowance of their patent application and its claims. To that end, if the Examiner feels that a conference might expedite the prosecution of this case, the Examiner is cordially invited to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ozer M. N. Teitelbaum', is written over the typed name.

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